

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

(1) AMANDA T. MERICLE,	)	
	)	
Plaintiff,	)	
	)	Case No. 21-CV-215-RAW
v.	)	
	)	
(1) RIVERSIDE TRANSPORTATION, INC.)	)	Removed From
(2) and TYRONE ALLEN,	)	Pontotoc County District Court
	)	Case No. CJ-2021-17
Defendants.	)	

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**NOTICE OF REMOVAL**

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TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE PARTIES  
AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, Pursuant to 28 U.S.C. §1441, Defendant Tyrone Allen (hereinafter “Defendant Allen”), hereby removes this action from the District Court of Pontotoc County, State of Oklahoma, to the Federal District Court in the Eastern District of Oklahoma pursuant to 28 U.S. § 1332, 1441(a), and 1446. As grounds for removal, Defendant respectfully informs the Court of the following:

**PROCEDURAL REQUIREMENTS**

1. Pursuant to 28 U.S.C. § 1446(d), this Defendant will serve written notice of the filing of this Notice of Removal upon Plaintiff and will file a copy of the Notice of Removal with the Clerk of the District Court in and for Pontotoc County, State of Oklahoma.

2. Pursuant to LCvR 81.2, a copy of the State Court Action docket sheet and all documents filed in the State Court Action are attached as Exhibits 1-4. (See Ex. 1 – Pontotoc County Court Docket Sheet; Ex. 2 – Plaintiff’s Petition; Exhibit 3(a) – (b) – Summons; and

Exhibit 4 – Defendant Tyrone Allen’s Special Entry of Appearance and Reservation of Time. There is no scheduling order in the State Court Action. There are no pending motions.

**BACKGROUND INFORMATION**

3. On February 2, 2021, Plaintiff filed her Petition in the District Court of Pontotoc County, State of Oklahoma, with the case caption *Amanda T. Mericle v. Riverside Transportation, Inc. and Tyrone Allen*, Case No. CJ-2021-17 (“state court action.”) See Exhibit 2, Plaintiff’s Petition.

4. The subject lawsuit involves a motor vehicle collision that occurred on May 9, 2019, at the intersection of NE JA Richardson Loop and Broadway in Ada, Pontotoc County, State of Oklahoma. It is alleged that Defendant Allen was operating a tractor-trailer when he failed to observe a red traffic light and failed to stop his vehicle thereby striking the rear of Plaintiff’s vehicle. *Id.*

5. Plaintiff seeks damages in excess of \$75,000 as the result of the accident. *Id.*

6. Upon information and belief, Plaintiff is a resident of Pontotoc County, Oklahoma. *Id.*

7. Defendant Tyrone Allen is a resident of the State of Texas. *Id.*

8. Defendant Riverside Transportation, Inc., is a foreign corporation incorporated in the state of Indiana with its principal place of business in the state of Indiana. *Id.*

9. Defendant Riverside Transportation, Inc. was served with a copy of the Summons and Petition on July 12, 2021.

10. Defendant Allen’s counsel accepted service of process on his behalf by way of U.S. Mail on June 16, 2021. See Exhibit 5 – Service Correspondence received June 16, 2021.

### **JURISDICTION**

11. This Court has removal jurisdiction over this lawsuit pursuant to 28 U.S. §§ 1441 and 1446 and based on diversity of citizenship between the Plaintiff and Defendants under 28 U.S.C. § 1332 and as alleged above.

12. Upon information and belief, as derived from Plaintiff's Petition, Plaintiff seeks an amount in excess of this Court's jurisdictional minimum of \$75,000.00, excluding interest and costs stated in 28 U.S.C. § 1332. See Exhibit 2.

13. Further, this Notice of Removal is timely filed with this Court, pursuant to 28 U.S.C. § 1446(b) and the Federal Courts Jurisdiction and Venue Clarification Act of 2011 ("JVCA"), because thirty (30) days since the last Defendant was served has not elapsed.

14. Pursuant to the same Federal Statute, one year has not elapsed since the commencement of this action.

15. Pursuant to the same Federal Statute, Defendant Riverside Transportation, Inc., has been properly served and consents to this Removal.

16. Removal is being made to the proper Federal District Court. The pertinent language of 28 U.S.C. § 1446(a) provides that the Defendant shall file the Notice of Removal in "[T]he District Court of the United States for the district and division within which such action is pending." 28 U.S.C. § 1446(a). This matter is being removed from the District Court of Pontotoc County, State of Oklahoma, a county within the confines of the Eastern District of Oklahoma. *See* 28 U.S.C. § 116(b).

17. Based on the above referenced statements and allegations removal of this matter to this Court is proper.

**CONCLUSION**

This case is proper for removal to this Court based upon diversity of citizenship. Plaintiff is a citizen of Pontotoc County, Oklahoma and all Defendants properly joined in this lawsuit have citizenship outside the state of Oklahoma. The amount of damages Plaintiff seeks exceeds the amount in controversy threshold. This Notice of Removal is timely filed with the consent of all Defendants properly served. Therefore, all requirements for jurisdiction in this Court are satisfied.

Respectfully Submitted,

s/Nicholaus A. Hancock

Robert P. Coffey, Jr., OBA #14628

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*Attorneys for Defendant*

*Tyrone Allen*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of July 2021, I electronically transmitted the foregoing/attached document to the Clerk of Court using the ECF System for filing. Counsel for Defendant further caused the foregoing/attached pleading to be served upon all counsel of record via U.S. Mail, postage prepaid, to:

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s/ Nicholaus A. Hancock  
Nicholaus A. Hancock